

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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| SECURITIES INVESTOR PROTECTION<br>CORPORATION,<br><br>Plaintiff-Applicant,<br><br>v.<br><br>BERNARD L. MADOFF INVESTMENT<br>SECURITIES LLC,<br><br>Defendant.   | Adv. Pro. No. 08-01789 (CGM)<br><br>SIPA Liquidation<br><br>(Substantively Consolidated) |
| In re:<br><br>BERNARD L. MADOFF,<br><br>Debtor.   |  |
| IRVING H. PICARD, Trustee for the<br>Substantively Consolidated SIPA Liquidation<br>of Bernard L. Madoff Investment Securities<br>LLC and the Chapter 7 Estate of Bernard L.<br>Madoff,<br><br>Plaintiff,<br><br>v.<br><br>NATIXIS S.A. and TENSYS LTD.,<br><br>Defendants. | Adv. Pro. No. 10-05353 (CGM)<br><br><b>ORAL ARGUMENT REQUESTED</b>                       |

**NOTICE OF APPEAL**

**Part 1: Identify the Appellant(s)**

1. **Name(s) of appellants:** Natixis S.A.
2. **Position of appellants in the adversary proceeding that is the subject of this appeal:**  
  
Defendant

**Part 2: Identify the subject of this appeal**

1. **Describe the judgment, order or decree appealed from:** Defendant-Appellant, by its attorneys, hereby appeals under 28 U.S.C. § 158(a)(3) from:
  - a. Order Denying Defendant Natixis S.A.’s Motion to Dismiss the Amended Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6), dated November 17, 2023 (ECF No. 237) (“Order”).
  - b. The Memorandum Decision Denying Defendant’s Motion to Dismiss, dated November 2, 2023 (ECF No. 228) (“Memorandum Decision”).
2. **State the date on which the judgment, order, or decree was entered:**
  - a. The Order was entered on November 17, 2023. A copy of the Order is annexed hereto as **Exhibit A**.
  - b. The Memorandum Decision was entered on November 2, 2023. A copy of the Memorandum Decision is annexed hereto as **Exhibit B**.
  - c. By order dated November 22, 2023 (ECF No. 241), the Bankruptcy Court extended Defendant-Appellant’s time to appeal through December 22, 2023. A copy of the order is annexed hereto as **Exhibit C**.

**Part 3: Identify the other parties to the appeal**

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

| Defendant-Appellant | Attorneys   |
|---------------------|---|
| Natixis S.A.        | <b>DAVIS+GILBERT LLP</b><br>Joseph Cioffi<br>Bruce Ginsberg<br>H. Seiji Newman<br>Adam Levy<br>Christine DeVito<br>1675 Broadway<br>New York, New York 10019<br>T: (212) 468-4800<br>Email: jcioffi@dglaw.com |

| Plaintiff-Appellee   | Attorneys   |
|--|---|
| Irving H. Picard, Trustee for the<br>Substantively Consolidated SIPA<br>Liquidation of Bernard L. Madoff<br>Investment Securities LLC and the<br>Chapter 7 Estate of Bernard L. Madoff | <b>BAKER &amp; HOSTETLER LLP</b><br>David J. Sheehan<br>Joanna F. Wasick<br>Carlos Ramos-Mrosovsky<br>45 Rockefeller Plaza<br>New York, New York 10111<br>T: (212) 589-4200<br>Email: jwasick@dglaw.com |

**Part 4: Not Applicable (No BAP in this District)**

**Part 5: Signature**

Dated: December 22, 2023  
New York, New York

**DAVIS+GILBERT LLP**

By: /s/ Joseph Cioffi

Joseph Cioffi  
Bruce Ginsberg  
H. Seiji Newman  
Adam Levy  
Christine DeVito  
1675 Broadway  
New York, New York 10019  
T: (212) 468-4800  
Email: jcioffi@dglaw.com

*Attorneys for Defendant Natixis S.A.*